BEFORE THE DEPARTMENT OF LABOR AND INDUSTRY
STATE OF MONTANA

In the matter of the amendment of	)	NOTICE OF AMENDMENT
ARM 24.17.127, pertaining to prevailing	)	
wage rates for public works projects -	)	
nonconstruction services and heavy and	)	
highway construction services	)	

TO: All Concerned Persons

        1. On November 23, 2005, the Department of Labor and Industry published MAR Notice No. 24-29-199 regarding the public hearing on the proposed amendment of the above-stated rule at page 2290 of the 2005 Montana Administrative Register, Issue no. 22.

        2. On December 14, 2005, the department held a public hearing in Helena regarding the above-stated rule at which oral comments were received. No additional comments were received prior to the closing date of December 21, 2005.

        3. The Department has thoroughly considered the comments and testimony received from the public. The following is a summary of the public comments received and the Department's response to those comments:

Comment 1: A commenter stated that all contractors are having problems recruiting new workers to the construction trades, and that the wage rates are set too low.

Response 1: The Department sympathizes with employers that are facing a labor shortage, and notes that it actively promotes entry of new workers into the construction industry through its Apprenticeship and Training program. The Department also notes that prevailing wage rates merely establish a minimum level for wages paid on a public works project, not a ceiling or maximum. During periods of a relative scarcity of qualified workers, employers may have to offer wage rates that are higher than the established prevailing rates in order to obtain and keep a qualified workforce.

        4. After consideration of the comments, the Department has amended the rule exactly as proposed.

/s/ MARK CADWALLADER   /s/ DORE SCHWINDEN
Mark Cadwallader,   Dore Schwinden, Deputy Commissioner
Alternate Rule Reviewer   DEPARTMENT OF LABOR AND INDUSTRY

Certified to the Secretary of State February 27, 2006.